

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gabriel GONZALEZ-Medrano,


Defendant

) Magistrate Docket No. *FILED*  
)  
)  
) **'08 MJ 1572** *2008 MAY 20 AM 10:13*  
) *YNH*  
) COMPLAINT FOR VIOLATION OF:  
)  
) Title 8, U.S.C., Section 1326  
) Deported Alien Found in the  
) United States  
)  
)  
)


The undersigned complainant, being duly sworn, states:

On or about **May 18, 2008** within the Southern District of California, defendant, **Gabriel GONZALEZ-Medrano**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20<sup>th</sup> DAY OF MAY 2008

  
\_\_\_\_\_  
Anthony J. Battaglia  
UNITED STATES MAGISTRATE JUDGE

**Gabriel GONZALEZ-Medrano**

### PROBABLE CAUSE STATEMENT

On May 18, 2008, at approximately 9:27 p.m. Officer J. Sanchez of the San Diego Police Department conducted a vehicle stop in the 3600 block of Imperial Avenue in San Diego, California. Officer Sanchez contacted the driver who was later identified as the defendant **Gabriel GONZALEZ-Medrano** and presented no valid California driver's license. Officer Sanchez asked the defendant if he had ever been arrested before. The driver stated that he has been arrested before. Officer Sanchez conducted records checks on the defendant. Through record checks it was revealed that the defendant was a previously deported alien.

Officer Sanchez contacted Agent Soto and Blas regarding his encounter with the defendant who then asked Officer Sanchez to hold the defendant for an immigration evaluation. At approximately 10:40 p.m., Agent Soto and Blas arrived at the location of the stop and met with Officer Sanchez who informed Agent Soto that the defendant was being detained inside the patrol car. Agent Soto and Blas approached the defendant and identified themselves as United States Border Patrol Agents and presented their bureau issued badges and credentials. Agent Soto questioned the defendant as to his identity and his immigration status. The defendant stated his name as Gabriel GONZALEZ-Medrano. Agent Soto asked the defendant about his citizenship and nationality. The defendant stated that he was born in Tijuana, Mexico. Agent Soto questioned the defendant if he had any immigration documents that would allow him to enter or remain in the United States legally. The defendant stated that he did not. At approximately 10:45 p.m., the defendant was arrested and transported to the Chula Vista Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on December 14, 2007 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.